

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

REGINALD BEVERLY, an Incapacitated)	
Person by RONALD BEVERLY,)	
Conservator,)	
)	8:05CV393
Plaintiff,)	
)	
vs.)	ORDER
)	
CITY OF OMAHA, et al.,)	
)	
Defendants.)	

This matter is before the court following a planning conference with counsel on November 27, 2006. The defendants asserted they will file a motion for summary judgment based on qualified immunity on or before November 30, 2006. Upon the filing of such motion, the plaintiffs shall have until on or before December 29, 2006, in which to respond. Thereafter the defendant shall have until on or before January 8, 2007, in which to respond. Pending the court's ruling on the motion for summary judgment based on qualified immunity, the defendants request that further discovery be stayed.

Generally, “qualified immunity operates to protect governmental officials from both the burdens of trial and discovery.” **Lovelace v. Delo**, 47 F.3d 286, 287 (8th Cir. 1995) (citing **Harlow v. Fitzgerald**, 457 U.S. 800, 814, 817-18 (1982)). The plaintiff does not oppose the motion. The court finds a stay of discovery shall be issued until the merits of the dispositive motion is resolved upon the filing of the motion.

Should such a motion not be filed on or before the scheduled deadline, counsel for the defendants shall initiate a telephone conference with opposing counsel and the court in order to schedule the matter for trial.

Ten working days following any ruling on the motion for summary judgment based on qualified immunity, counsel for the defendants shall initiate a telephone conference with opposing counsel and the court in order to schedule this matter for trial.

IT IS SO ORDERED.

DATED this 27th day of November, 2006.

BY THE COURT:

s/Thomas D. Thalken
United States Magistrate Judge